UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/987,076	11/13/2001	Jiro Senda	Q66742	6567

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EXAMINER
GARCIA, GABRIEL I

ART UNIT	PAPER NUMBER
2625	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/13/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

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PTOL-90A (Rev. 10/06)

	Application No.	Applicant(s)
Office Action Summary	09/987,076	SENDA, JIRO
	Examiner	Art Unit	
	Gabriel I. Garcia	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>15 December 2006</u>.

2a) ☐ This action is **FINAL.**   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-16</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-16</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some *   c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

Part III DETAILED ACTION

1.   This application has been examined, Claims 1-16 are pending

in this application.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate

paragraphs of 35 U.S.C. 102 that form the basis for the

rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for

patent, published under section 122(b), by another filed

in the United States before the invention by the applicant for

patent or (2) a patent granted on an application for

patent by another filed in the United States before the

invention by the applicant for patent, except that an

international application filed under the treaty defined in

section 351(a) shall have the effects for purposes of this

subsection of an application filed in the United States only if

the international application designated the United

States and was published under Article 21(2) of such treaty in

the English language.

2.   Claims 1-16 are rejected under 35 U.S.C. 102(e) as being

anticipated by Nihei (U.S. Patent Number 6,891,634, cited in the

Office action dated 2/24/06).

The applied reference has a common assignee with the instant

application. Based upon the earlier effective U.S. filing date

of the reference, it constitutes prior art under 35 U.S.C.

102(e). This rejection under 35 U.S.C. 102(e) might be overcome

either by a showing under 37 CFR 1.132 that any invention

disclosed but not claimed in the reference was derived from the

inventor of this application and is thus not the invention "by

another," or by an appropriate showing under 37 CFR 1.131.

Regarding claim 1, Nihei discloses an image transmitting

device (see Figs. 1-5) comprising combining process means for

generating a composite image by joining a plurality of

·original images (column 8, lines 31-59), storing means for

storing the composite image generated by the combining process

means and the original images that the composite image

comprises together with corresponding combining data required

for generating the composite image (column 8, lines 31-59), and

selection process means for executing a selection process that

outputs one or more of the composite image, original images, or

combining data as output data based on an output destination

device specified as the destination for image transmission (see

Figs. 6-21, column 5, lines 11-49, and column 8, lines 31-59).

Regarding claim 2, Nihei discloses the image transmitting

device discussed above in claim 1, and further teaches of an

output data selection table that associates identification data

for a plurality of destination devices with various output or

non-output data of the composite image, original images, and

combining data (see Figs. 6 and 18, column 4, lines 39-44, and

column 7, lines 21-61), and the selection process means executes

the selection process on output data based on settings in the

output data selection table (see Figs. 6-21, column 5, lines 11-

49, and column 8, lines 31-59).

Regarding claim 3, Nihei discloses the image transmitting

device discussed above in claim 1, and further teaches that the

selection process means executes a selection process on

output data predetermined based on attributes of the output

destination device (see Figs. 6-21, column 5, lines 11-49, and

column 7, line 21-column 8, line 59).

Regarding claim 4, Nihei discloses the image transmitting

device discussed above in claim 1, and further teaches that the

selection process means executes a selection process on

output data based on user specifications (see Figs. 6-21, column

5, lines 11-49,and column 7, line 21-column 8, line 59).

Regarding claim 5, Nihei discloses an image transmitting
method comprising a composite process step for generating a
composite image by joining a plurality of original images
(column 8, lines 31-59), a storing step for storing the
composite image generated by the combining process means and the
original images that the composite image comprises together
with corresponding composite data 31-59), and a selection
process step for executing a selection process that outputs one
or more of the composite image, original images, or combining
data as output data based on an output destination device
specified as the destination for image transmission (see Figs.
6-21, column 5, lines 11-49, and column 8, lines 31-59).

Regarding claim 6, Nihei discloses the image transmitting
method discussed above in claim 5, and further teaches that the
selection process in the selection process step is executed on
output data based on settings in an output data selection table
that associates identification data for a plurality of
destination devices with various output or non-output data of
the composite image, original images, and combining data (see
Figs. 6-21, column 4, line 39-column 5, line 44, and column 7,
line 21-colunm 8, line 59).

Regarding claim 7, Nihei discloses the image transmitting method discussed above in claim 5, and further teaches that the selection process in the selection process step is executed on output data predetermined based on attributes of the output destination device (see Figs. 6-21, column 5, lines 11-49, and column 7, line 21-column 8, line 59).

Regarding claim 8, Nihei discloses the image transmitting method discussed above in claim 5, and further teaches that the selection process in the selection process step is executed on output data based on user specifications (see Figs. 6-21, column 5, lines 11-49, and column 7, line 21-column 8, line 59).

Regarding claim 9, Nihei discloses the image transmitting method discussed above in claim 1, and further wherein teaches the selection process means selects as a destination device among at least two of a printer, a database, and an output display (see figs. 1 and 5).

Regarding claim 10, Nihei discloses the image transmitting method discussed above in claim 9, and further wherein the selection is automatic (inherently reads on figs. 1-4, which allow the selection which is automatically perform once the selection is done).

Regarding claim 11, Nihei discloses the image transmitting method discussed above in claim 5, and further teaches the

original images comprise selective partial images on an entire

image (reads on the selection means as depicted by fig. 1).

Regarding claim 12, Nihei discloses the image transmitting

method discussed above in claim 1, and further teaches the

storing means stores the composite image, the original images,

and the combining data in a common medium (see figs 1 and 5).

Regarding claims 13-14, Nihei discloses the image transmitting

method discussed above in claim 1, and further teaches the

combining data includes parameters required for generating the

composite image or resolution (reads on fig. 9, which depicts

the picture size or resolution).

Regarding claim 15, Nihei discloses the image transmitting

method discussed above in claim 1, and further teaches

the selection process means selects the output data for the

specified output destination device using an output data

selection table (reads on fig. 1).

Regarding claim 16, Nihei discloses the image transmitting

method discussed above in claim 1, and further teaches wherein

the original images are obtained from modalities (see figs 1-9).

Conclusion

3.   In response to applicant's arguments regarding the
rejection of independent claim 1, which was cited in the Office
action dated 8/16/06 under 35 U.S.C. 102(e) as being anticipated
by Nihei (U.S. Patent Number 6,891,634), whereby applicant
argues on page 5 that Nihei fails to teach if the DRAM stores
combining data required for generating the composite image.
Currently, claim 1 requires "storing means for storing the
composite image generated by the combining process means and the
original images that the composite image comprises together
with corresponding combining data required for generating the
composite image".

Continuing, as read in column 8, lines 32-41, Nihei states
that "If the working DRAM 14 is empty ("YES" at
step 101), designated template image data is read in from the
input medium and stored temporarily in the frame memory 6 (step
102). Designated print image data is read in and this is
stored temporarily in the frame memory 6 (step 103). The image
represented by the print image data is combined with the image
represented by the template image data to generate composite
image data. The generated composite image data is stored in the
working DRAM 15 (step 104)."

*Thus, Nihei teaches of storing means (interpreted as the DRAM 15
and the frame memory 6) for storing the composite image
generated by the combining process means (interpreted as the
generated composite image data) and the original images that
the composite image comprises (interpreted as the designated
print image data) together with corresponding combining data
required for generating the composite image (whereby the
combining data is interpreted as the template image data).
Examiner also indicates that clearly the template can be
incorporated into the system of Nihei, by using any input means
as shown in fig. 1, making the template an original image.*

*Continuing, in response to applicant's arguments, which argue
that Nihei fails to further teach of selection means for
selecting one or more of the composite image, original images,
or combining data based on a specified output destination
device. The examiner notes that claim 1 additionally requires
"selection process means for executing a selection process that
outputs one or more of the composite image, original images, or
combining data as output data based on an output destination
device specified as the destination for image transmission",
with emphasis added. Thus, only one of a composite image needs
to be output as output data based on an output destination
device specified as the destination for image transmission. In*

column 5, lines 15-45, and column 8, lines 31-59, Nihei states

that composite images can be selected to be printed out.

Therefore, Nehei can be interpreted as teaching of having means

for executing a selection process that outputs one or more of

the composite image, original images, or combining data as

output data based on an output destination device specified as

the destination for image transmission.

5. The prior art made of record and not relied upon is

considered pertinent to applicant's disclosure.

Matema (20040070778A1) teaches an image processing

apparatus having a synthesizing image selection subsection.

6. Any inquiry concerning this communication or earlier
communications from the examiner should be directed to Gabriel
I. Garcia whose telephone number is (571) 272-7434. The Examiner
can normally be reached Monday-Thursday from 7:30 AM-6:00 PM.
The fax phone number for this group is 571-273-8300.

CENTRALIZED DELIVERY POLICY: For patent related
correspondence, hand carry deliveries must be made to
the Customer Service Window (now located at the
Randolph Building, 401 Dulany Street, Alexandria, VA
22314), and facsimile transmissions must be sent to
the Central FAX number, unless an exception applies.
For example, if the examiner has rejected claims in a
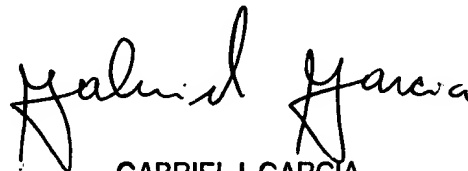regular U.S. patent application, and the reply to the

examiner's Office action is desired to be transmitted by facsimile rather than mailed, the reply must be sent to the Central FAX Number.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (**PAIR**) system Status information for published applications may be obtained from either Private **PAIR** or Public **PAIR**. Status information for unpublished applications is available through Private **PAIR** only. For more information about the **PAIR** system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private **PAIR** system, contact the Electronic Business Center (**EBC**) at 866-217-9197 (toll-free).

Gabriel I. Garcia
Primary Examiner
March 4, 2007

GABRIEL I. GARCIA
PRIMARY EXAMINER